

March 7, 2024

Via ECF

Hon. Christian F. Hummel
United States Magistrate Judge
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

Re: *Yeend et al. v. Akima Global Services, LLC*, 1:20-cv-01281-TJM-CFH

Your Honor,

On behalf of Plaintiffs, we write to request that the Court stay the deadline for Plaintiffs' class certification motion pending the Court's determination of Defendant's motion to dismiss and for summary judgment, ECF No. 117, which Defendant had not mentioned before this Court set the April 4 deadline for Plaintiffs' class certification motion, ECF No. 115.

When the Court set the current April 4 deadline for Plaintiffs to move for class certification, Plaintiffs did not anticipate that Defendants would be filing a dispositive motion one week later. When that motion was filed on February 8, 2024, it took Plaintiffs by surprise. We needed to stop working on our class certification papers to turn our attention to opposing Defendants' motion, which seeks to dismiss the claims pursuant to Federal Rule 19(b) and/or grant summary judgment on the basis of the federal contractor defense/derivative immunity. While we are still prepared to move forward with class certification, we believe the Court may find it more efficient and practical to address these issues in turn.

Defendant opposes this request—a surprising position, given their assertion, on the first page of the Memorandum of Law in support of their dispositive motion, that the issues it raises “*must be addressed*” “before this Court is required to consider class certification.” ECF No. 117-2 at 1 (emphasis added). We agree that deciding the dispositive questions in Defendant's motion before the parties brief class certification serves the interests of judicial efficiency and preserves judicial and party resources.

Accordingly, we respectfully request that the Court stay Plaintiffs' deadline to move for class certification until 30 days after its determination of Defendant's motion to dismiss and for summary judgment.

Alanna Kaufman* • Douglas E. Lieb† • David A. Lebowitz • Alison Frick*

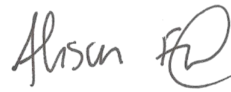
Alyssa Isidoridy • Pooja Shivaprasad • Kyla Magun

*Also admitted to practice in New Jersey †Also admitted to practice in California and Connecticut

Kaufman Lieb Lebowitz & Frick
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alison" followed by a stylized monogram or initials.

Alison Frick